

MD 01 01407 00000616

THE HONORABLE BARBARA J. ROTHSTEIN

ENTERED  
RECEIVED  
JUN 14 2002  
CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY  
BY

VB

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE  
(PPA) PRODUCTS LIABILITY  
LITIGATION.

This document relates to all actions.

MDL Docket No. 1407

CASE MANAGEMENT ORDER  
NO. 7, GUIDELINES FOR  
PPA MDL 1407 PLAINTIFFS'  
COUNSEL COMMON BENEFIT  
TIME AND EXPENSE  
REPORTING

The Court recognizes that common benefit time and expense items reported must be reasonable and necessary for the collective prosecution of this case and must be for the benefit of the Plaintiffs' Steering Committee ("PSC") and plaintiffs as a whole and not for individual clients. The Guidelines for Common Benefit Time and Expense Reporting set forth herein will be complied with by the PSC, all plaintiffs' counsel in MDL 1407 and all state-court coordinating counsel. Reporting for time and expenses will be on a monthly basis by the PSC, plaintiffs' counsel in MDL 1407, and state-court coordinating counsel. The first time and expense report is due on June 15, 2002, and will be cumulative for the hours expended and expenses incurred during this litigation

CASE MANAGEMENT ORDER NO. 7,  
GUIDELINES FOR PLAINTIFFS' COUNSEL  
COMMON BENEFIT TIME AND EXPENSE  
REPORTING (MDL Docket No 1407) - Page 1

LEVINSON FRIEDMAN, P.S.  
PACIFIC BUILDING  
720 THIRD AVENUE, SUITE 1800  
SEATTLE, WA 98104-1845  
(206) 624-8844  
fax (206) 624-2912

ORIGINAL

6/16

up to and including May 31, 2002. Thereafter, monthly time and expense reports will be filed on the fifteenth day of each month until the close of the litigation.

## REPORTING GUIDELINES

### A. TIME

Common Benefit Time will be reported consistent with the forms attached hereto in Exhibit A, and will be reported to Plaintiffs' Liaison Counsel on a monthly basis beginning on June 15, 2002.

### B. EXPENSES

Common Benefit Expenses will be reported consistent with the guidelines set forth below and submitted on the form attached hereto in Exhibit A. Common Benefit Expenses will be reported to Plaintiffs' Liaison Counsel on a monthly basis beginning on June 15, 2002.

#### 1. RECEIPTS:

Each expense claimed must be properly documented by a receipt or some other form of proof of payment. Receipts do not need to be submitted on a monthly basis, but must be available for production upon request. Cash advances will not be considered for reimbursement without evidence of payments made with the cash.

#### 2. MISCELLANEOUS CASH EXPENSES:

Miscellaneous cash expenses for which receipts generally are not available (tips, luggage handling, pay telephone, etc.), will be allowed up to a maximum of \$50.00 per trip, providing those expenses are properly itemized.

1  
2 3. AIRFARE:

3 First class airfare will not be fully reimbursed. If first class travel is selected, the  
4 difference between coach rate and first class rate must be shown on the expense claim,  
5 and only the coach airfare shall be claimed.

6 4. HOTELS:

7 Luxury accommodations will not be fully reimbursed. If luxury hotels and suites  
8 are selected, the regular room rate must be indicated on the expense claim and only the  
9 regular room rate will be claimed. Charges for movies, laundry, toiletries or liquor will  
10 not be reimbursed.

11 5. MEALS:

12 A copy of the restaurant receipt must be submitted. Charges for alcoholic  
13 beverages will not be reimbursed.

14 6. RENTAL AUTOMOBILES:

15 Luxury automobile rentals will not be fully reimbursed, unless satisfactory  
16 evidence is submitted that only luxury automobiles were available. If luxury automobiles  
17 are selected, where ordinary vehicles are available, the difference between the luxury  
18 and ordinary vehicle rates must be indicated on the expense claim and only the ordinary  
19 vehicle rate will be claimed.

20 7. MILEAGE:

21 Mileage claims must be documented by stating origination point, destination, total  
22 actual miles for each trip, and the rate per mile paid by the individual's firm. The  
23 maximum allowable rate is 30¢ per mile (which is the current allowable rate set by the  
24 I.R.S.).  
25  
26  
27

1  
2 8. LONG DISTANCE:

3 Long distance telephone expenses must be documented. Copies of telephone  
4 bills must be submitted with notation as to which charges are related to MDL No. 1407.  
5 Only actual charges are reimbursable.

6 9. FEDERAL EXPRESS, LOCAL COURIER SERVICE OR OTHER  
7 COURIER:

8 All claimed expenses must be documented with bills showing the sender, origin  
9 of the package, recipient and destination of the package.

10 10. POSTAGE CHARGES:

11 A contemporaneous postage log or other supporting documentation must be  
12 maintained and submitted. Postage charges are to be reported at actual cost.

13 11. TELEFAX CHARGES:

14 Contemporaneous records should be maintained and submitted showing faxes  
15 sent and received. The per-fax charge should be \$1.00 per page.

16 12. IN-HOUSE PHOTOCOPY:

17 A contemporaneous photocopy log or other supporting documentation must be  
18 maintained and submitted. The maximum copy charge is 25¢ per page.

19 13. SECRETARIAL AND CLERICAL OVERTIME:

20 An itemized description of the task and time spent must be submitted for  
21 secretarial and clerical time. All such overtime for secretarial and clerical assistance  
22 shall be approved by PSC members or the employee's supervising attorney, who shall  
23 review and approve such overtime prior to submission.

24 14. LEXIS/WESTLAW:

25 Claims for expenses relating to computerized legal research, i.e. LEXIS or  
26 WESTLAW, should be in the exact amount charged to your firm for these research  
27 services.

1  
2 15. DEPOSITION COSTS, EXPERT WITNESS FEES, AND EXHIBIT  
3 COSTS:

4 Fees and costs associated with pretrial discovery that are authorized by the PSC  
5 will generally be paid directly by the PSC. No party will be reimbursed for obtaining his  
6 or her own personal copy of a deposition transcript.

7 16. EQUIPMENT PURCHASES:

8 Purchases of equipment are not to be claimed, absent special circumstances  
9 approved by the PSC. Laptop computers purchased for and utilized by the individual  
10 attorneys and their staff, even if used primarily for this case, are not reimbursable.

11 17. MONETARY SANCTIONS:

12 No monetary sanction levied by the Court on any PSC member shall be reported  
13 as an expense.

14 C. EXCEPTIONS TO REPORTING GUIDELINES:

15 The only exceptions to these guidelines shall be as specifically approved by the  
16 PSC. (E.g., payment of transportation and lodging in connection with expert witness  
17 consultation or depositions subject to approval of the PSC or its authorized designee.)

18 D. APPLICABILITY OF PROCEDURES:

19 The procedures set forth herein will apply to PSC members and those to whom  
20 the PSC has assigned a specific case related task.

21 E. IMPERMISSIBLE TIME AND EXPENSES:

22 Any item or expense which is not described in sufficient detail to determine the  
23 nature and purpose of the service or expense involved (entries such as "research,"  
24 telephone call to PSC," "conference with LP," (without further description), will be  
25 disallowed).

26 Any item of professional time which is expended to "review" pleadings,  
27 correspondence and similar items will be disallowed, unless such "review time" is

1  
2 directly related to and reasonably necessary for the performance of other compensable  
3 services.

4 Any submission of professional time in which the amount of "review" time is  
5 excessive as a whole, when judged in reference to the role which the Applicant had in  
6 the litigation which substantially benefitted the MDL litigation or in performing common  
7 benefit functions in the state litigation with which it was coordinated, will be disallowed.

8 F. VERIFICATION OF STATEMENTS:


9 Each attorney submitting a time and expense statement shall be considered as  
10 representing to the Court, under oath, that the time and expense submitted meets the  
11 criteria set forth herein.

12 G. PSC AUTHORIZATION FORMS:

13 In order to avoid unnecessary or duplicative work, PSC members will be required  
14 to submit a "PSC Authorization Form" signed by a Court approved MDL Committee  
15 Chairperson for any person not an employee of a PSC member's firm who undertakes  
16 to perform common benefit work on behalf of the PSC. Common benefit work may be  
17 assigned to counsel of record in any state or federal action.  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

1  
2  
3 IT IS ORDERED that all attorneys must fully comply with the provisions set forth  
4 above in order to be compensated for any and all time and expense submissions. The  
5 forms which are attached hereto as "Exhibit A" must be used when submitting time and  
6 expenses. Non-compliance with this Order will result in a denial of reimbursement.  
7

8 SO ORDERED this 1<sup>st</sup> day of June, 2002.

9  
10   
11 Honorable Barbara Jacobs Rothstein  
12 United States District Judge

13 Presented by:

14 *Levinson Friedman, P.S.*

15  
16 By 

17 Lance E. Palmer  
18 WSBA #18141  
19 Plaintiffs' Liaison Counsel  
20  
21  
22  
23  
24  
25  
26  
27

# Exhibit A



PPA PRODUCTS LIABILITY LITIGATION MDL NO. 1407

COMMON BENEFIT TIME CATEGORY CODES

1. Preparation of pleadings, motions and supporting briefs; legal research.
2. Preparing and responding to written discovery requests.
3. Taking and defense of depositions, including preparation.
4. Inspection of documents.
5. Factual investigation.
6. Technical research and consultation with experts.
7. Preparation for court appearances, including trial preparation.
8. Court appearances and trial.
9. MDL/Management Committee and Liaison meetings and activities.
10. Settlement.
11. Settlement Administration.

**\* TIME SHOULD BE REPORTED IN TENTHS or QUARTERS OF AN HOUR.**

**\* PLEASE REPORT ONLY TIME AND EXPENSES THAT ARE EXCLUSIVELY  
RELATED TO COMMON BENEFIT MDL WORK.**

**EXHIBIT "A"**

## COMMON BENEFIT TIME SUMMARY SHEET

Date \_\_\_\_\_

**EXHIBIT "A"**

PPA PRODUCTS LIABILITY LITIGATION MDL NO. 1407  
COMMON BENEFIT EXPENSE REPORT

FIRM NAME: \_\_\_\_\_ EXPENSES FOR THE PERIOD \_\_\_\_\_

<u>DESCRIPTION</u>	<u>AMOUNT</u>
FILING COSTS	
LONG DISTANCE TELEPHONE CHARGES	
TELEFAX CHARGES	
PHOTOCOPYING CHARGES	
FEDERAL EXPRESS/OVERNIGHT DELIVERY/COURIER	
POSTAGE CHARGES	
ON-LINE RESEARCH i.e. LEXIS and WESTLAW	
SECRETARIAL AND CLERICAL OVERTIME (PRE-APPROVED)	
SERVICE OF PROCESS	
TRANSCRIPTS OF PROCEEDINGS OR DEPOSITIONS	
EXPERT WITNESS FEES	
OTHER PROFESSIONAL SERVICES (ITEMIZE): Notary	
TRAVEL	
LITIGATION FUND ASSESSMENTS	
OTHER (ITEMIZE): Medical Expenses	
<b>TOTAL THIS MONTH:</b>	
<b>PRIOR EXPENSES REPORTED:</b>	
<b>CUMULATIVE EXPENSES TO DATE:</b>	

**\* PLEASE ATTACH DOCUMENTATION FOR EACH EXPENSE REPORTED.**

**\* ANY EXPENSES EXCEEDING \$1,000 SHOULD INCLUDE THE INITIALS OF THE MANAGEMENT COMMITTEE MEMBER WHO AUTHORIZED OR SUGGESTED SUCH EXPENSE.**

I believe that these expenses are properly documented and were incurred for the common benefit.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**EXHIBIT "A"**